

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

BRIANNE DRESSEN, *et al.*,

Plaintiffs,

v.

ROB FLAHERTY, White House Director
of Digital Strategy, in his official capacity;
et al.,

Defendants.

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Civil Action 3:23-cv-155

**FEDERAL DEFENDANTS' SECOND NOTICE OF
CASE DEVELOPMENTS IN *MISSOURI v. BIDEN***

The Federal Defendants provide notice of additional case developments in *Missouri v. Biden* since the Federal Defendants filed their first notice.

On October 20, 2023, the Supreme Court granted the United States' application for a stay and stayed the *Missouri* district court's preliminary injunction as modified by the Fifth Circuit. As the United States requested, the Supreme Court also treated the application as a petition for a writ of certiorari and granted the petition on the questions presented in the United States' application; to wit: (1) whether the respondents have Article III standing; (2) whether the government's challenged conduct transformed private social-media companies' content-moderation decisions into state action and violated respondents' First Amendment rights; and (3) whether the terms and breadth of the preliminary injunction are proper.

A copy of the Supreme Court's order is attached as an exhibit to this notice.

DATED: October 24, 2023

Respectfully Submitted,

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

JOSHUA E. GARDNER
Special Counsel

/s/ Alexander V. Sverdlov

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Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I certify that on October 24, 2023, a true and correct copy of the foregoing was filed with the United States District Clerk for the Southern District of Texas and electronically served on all counsel of record via the District's ECF system.

/s/ Alexander V. Sverdlov